

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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GERARD KELLY,	:	
	:	
Plaintiff,	:	
	:	Case No. 18-cv-4334 (JS) (ARL)
v.	:	
	:	
INCORPORATED VILLAGE OF GARDEN	:	
CITY,	:	
	:	
Defendant.	:	
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**JOINT PROPOSED SCHEDULING ORDER**

Counsel for Plaintiff Gerard Kelly (“Kelly”) and for Defendant Incorporated Village of Garden City (“Garden City”) (collectively, the “Parties”) held a conference pursuant to Federal Rule of Civil Procedure 26(f) on November 8, 2018, during which the Parties discussed the subjects on which discovery may be needed and addressed a proposed discovery plan. The Parties exchanged initial disclosures in November 2018. Discovery was subsequently stayed until the termination of the mediation process, which concluded no later than May 24, 2019. On June 5, 2019, the Court ordered the Parties to submit a joint proposed scheduling order for the completion of all discovery.

The Court hereby directs the following schedule for discovery and pre-trial practice in connection with the above-captioned proceeding:

1. Defendant shall respond to Plaintiff’s First Requests for Production of Documents to Defendant, First Set of Interrogatories to Defendant, and Subpoenas issued to Garden City’s Trustees by **July 24, 2019**.

2. The Parties shall commence any motion practice for joinder of additional parties or amendment of pleadings by **August 30, 2019**.

3. All written fact discovery shall be completed by **December 2, 2019**.

4. If no Party initiates the process for summary judgment, then the Parties shall exchange trial witness lists by **March 6, 2020**.

5. The Parties will adhere to the following schedule for expert discovery:

a. The Parties will conduct a Rule 34 joint expert inspection of the on-street parking on Seventh Street and the parking lots 7 North and 7 South (the "Property") by **October 15, 2019**.

b. The Parties shall make the disclosures of expert testimony required by Rule 26 of the Federal Rules of Civil Procedure by **November 15, 2019**.

c. The Parties shall disclose expert testimony rebuttals by **December 16, 2019**.

6. All discovery, inclusive of expert discovery, shall be completed by **February 7, 2020**.

7. Any Party planning on making a motion challenging an expert must take the first step in the motion process by **March 9, 2020**.

8. Any Party planning on making a dispositive motion must take the first step in the motion process by **March 9, 2020**.

9. The final pre-trial conference shall be held at a date and time convenient for the Court.

10. Notwithstanding the dates agreed upon in this Order, each Party reserves its right to seek relief from the Court for good cause.

**SO ORDERED**, this \_\_\_\_\_ day of June, 2019.

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ARLENE ROSARIO LINDSAY  
United States Magistrate Judge